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Attorney for Defendant

MARQUIS DION PATRICK-HOWARD

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARQUIS DION PATRICK-HOWARD,

Defendant.

Case No.: 2:18-CR-00095-APG-NJK-2

(FIFTH REQUEST)

STIPULATION AND ORDER TO CONTINUE SENTENCING

IT IS HEREBY STIPULATED AND AGREED, by and between **SUSAN CUSHMAN, ESQ.**, Assistant United States Attorney, counsel for the United States of America, and **OSVALDO E. FUMO, ESQ.**, counsel for **MARQUIS DION PATRICK-HOWARD**; that the Sentencing Hearing currently scheduled for January 27, 2021, at 2:00 p.m., be vacated and reset or a date and time convenient to the court, but no earlier than 2 weeks.

1. Counsel for defendant has spoken to defendant and he has no objection to the request of continuance.
2. Defendant is in custody in Pahrump.
3. Counsel has spoken to AUSA Susan Cushman and she does not oppose to the continuance.

4. Counsel for Defendant has been out sick for the past few weeks.
 5. Counsel needs additional time to go over some issues with Defendant.
 6. Denial of this request for continuance could result in a miscarriage justice.
 7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing until a date and time convenient to the court.
- This is the 5th request for continuance filed herein.

DATED this 21st day of January 2021.

/S/ Osvaldo E. Fumo, Esq.
OSVALDO E. FUMO, ESQ.
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Attorney for Defendant
MARQUIS DION PATRICK-HOWARD

/S/ Susan Cushman
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FINDINGS OF FACT

1. Counsel for defendant has spoken to defendant and he has no objection to the request of continuance.
2. Defendant is in custody in Pahrump.
3. Counsel has spoken to AUSA Susan Cushman and she does not oppose to the continuance.
4. Counsel for Defendant has been out sick for the past few weeks.
5. Counsel needs additional time to go over some issues with Defendant.
6. Denial of this request for continuance could result in a miscarriage justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing until a date and time convenient to the court.

1 This is the 5th request for continuance filed herein.

2 **CONCLUSIONS OF LAW**

3 Denial of this request for continuance would deny the parties herein the opportunity
4 to effectively and thoroughly prepare for Sentencing Hearing.
5

6 Additionally, denial of this request for continuance could result in a miscarriage of
7 justice.
8

9 **ORDER**

10 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for January
11 27, 2021, at 2:00 p.m., be continued to the 17th day of February, 2021 at 3:30 p.m. in Las
12 Vegas Courtroom 6C.
13
14

15 DATED this 21st day of January, 2021.
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18
19 **DISTRICT COURT JUDGE**